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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,794	04/10/2001	Nicolas Regent	FR 000036	1894

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BRIARCLIFF MANOR, NY 10510

EXAMINER

DEAN, RAYMOND S

ART UNIT PAPER NUMBER

2684

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/829,794

Applicant(s)

REGENT, NICOLAS

Examiner

Raymond S. Dean

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 - 22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1 – 22 have been considered but are moot in view of the new ground(s) of rejection.

Examiner respectfully disagrees with Applicants' assertion on Page 12, 2<sup>nd</sup> Paragraph of the Remarks "Oda is directed to a portable telephone ...". The auxiliary power source (3) only provides power to the clock and memory not the entire telephone (See Column 3 lines 36 – 40).

Vossler (US 6,317,593) teaches a means for starting the device at a programmable start time including: a means for automatically and periodically updating the start time to be greater than said current time (Figure 1, Column 4 lines 3 – 11, the ROM (153) in conjunction with the automatic scheduling program is the updating means), wherein said auxiliary power source does not supply power to said updating means when said power source is incapable of supplying said power (Figure 1, Column 3 lines 60 – 66, the automatic scheduling program is stored in the ROM (153), which does not receive auxiliary power). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone of Oda with the updating means and auxiliary power circuitry of Vossler for the purpose of providing a convenient way to ensure that said phone is ready to send and receive calls, or perform other phone functions according to a particular user's needs as taught by Vossler.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 3 and 5 – 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Vossler (US 6,317,593).

Regarding Claim 1, Oda teaches a communication device equipped with an automatic operation-keeping system, said communication device comprising: a main power source (Figure 1, Column 3 lines 12 – 14), a processing unit supplied with power by the main power source (Figure 1, power source (150)), a clock to produce a current time (Figure 1, Column 2 lines 37 – 48, the clock will keep track of the current time so that there can be a record of when the main power source failed and when said main power source was restored), said clock being supplied with power from an auxiliary power source when said main power source is incapable of supplying power (Column 3 lines 36 – 40)

Oda does not teach a means for starting the device at a programmable start time including: a means for automatically and periodically updating the start time to be greater than said current time, wherein said auxiliary power source does not supply power to said updating means when said main power source is incapable of supplying said power.

Vossler teaches a means for starting the device at a programmable start time including: a means for automatically and periodically updating the start time to be greater than said current time (Figure 1, Column 4 lines 3 – 11, the ROM (153) in conjunction with the automatic scheduling program is the updating means), wherein said auxiliary power source does not supply power to said updating means when said power source is incapable of supplying said power (Figure 1, Column 3 lines 60 – 66, the automatic scheduling program is stored in the ROM (153), which does not receive auxiliary power).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone of Oda with the updating means and auxiliary power circuitry of Vossler for the purpose of providing an alternative means for backup power and a convenient way to ensure that said phone is ready to send and receive calls, or perform other phone functions according to a particular user's needs as taught by Vossler.

Regarding Claim 2, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 1. Oda further teaches a processing unit comprising automatic updating means for updating (Column 2 lines 45 – 48, there is an updating means that enables the processor to be updated with the time when the power failure in the main power source occurred and the time when the main power source recovered), Vossler further teaches updating the start time (Column 4 lines 3 – 11).

Regarding Claim 3, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 1. Vossler further teaches a register for storing start times updated by

automatic updating means to a time  $D$ , so that  $D = t + N$ , where  $N$  is a time value higher than or equal to a start interval and where  $t$  is the current time (Column 5 lines 48 – 67, Column 6 lines 1 – 18).

Regarding Claim 5, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 1. Oda further teaches the device is a portable telephone (Figure 1, Column 3 lines 8 – 10).

Regarding Claim 6, Oda teaches a method of keeping a device in operation after a main power source is incapable of supplying power to said device, the method comprising the acts of: providing power to a clock by an auxiliary power source when main power source is incapable of supplying said power (Column 3 lines 36 – 40).

Oda does not teach updating a start time to come after a current time when the communication device is in operation by an updating means, wherein said auxiliary power source does not supply power to said updating means when said main power source is incapable of supplying said power, and making a new start when a current time established by said clock coincides with a previously updated start time.

Vossler teaches updating a start time to come after a current time when the communication device is in operation by an updating means (Figure 1, Column 4 lines 3 – 11, Column 5 lines 48 – 67, Column 6 lines 1 – 18, the ROM (153) in conjunction with the automatic scheduling program is the updating means) wherein said auxiliary power source does not supply power to said updating means when said main power source is incapable of supplying said power (Figure 1, Column 3 lines 60 – 66, the automatic scheduling program is stored in the ROM (153), which does not receive auxiliary

power), and making a new start when a current time established by said clock coincides with a previously updated start time (Column 5 lines 48 – 67, Column 6 lines 1 – 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone of Oda with the updating means and auxiliary power circuitry of Vossler for the purpose of providing an alternative means for backup power and a convenient way to ensure that said phone is ready to send and receive calls, or perform other phone functions according to a particular user's needs as taught by Vossler.

Regarding Claim 7, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 6. Vossler further teaches wherein the start time is updated by adding a time increment to the current time (Column 5 lines 48 – 67, Column 6 lines 1 – 18, time increment can be, for example, hours or days).

Regarding Claim 8, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 7. Vossler further teaches wherein the start time is updated with a shorter interval than a value of the time increment (Column 5 lines 48 – 67, Column 6 lines 1 – 18, a shorter interval can be, for example, minutes).

Regarding Claims 9, 13, Oda in view of Vossler teaches all of the claimed limitations recited in Claims 1, 6. Vossler further teaches wherein the start time is measured from the current time as an instantaneous value in seconds (Column 5 lines 48 – 67, Column 6 lines 1 – 18).

Regarding Claims 10, 14, Oda in view of Vossler teaches all of the claimed limitations recited in Claims 9, 13. Vossler further teaches wherein the number of

seconds in the instantaneous value is measured as a number of pulses of the clock (Column 4 lines 18 – 21, typical real time clocks measure seconds via clock pulses).

Regarding Claim 11, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 1. Oda further teaches a first part that is supplied with power by the main power source and a second part that can be supplied with power either by the main power or auxiliary power source if the main power fails (Figure 1, typical CPUs comprise a plurality of parts such as a core processor or part, an arithmetic logic unit, and a storage part thus Oda teaches a processing unit comprising a plurality of parts that can be supplied with power by the main power source or the auxiliary power source if the main power fails).

Regarding Claim 12, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 11. Oda further teaches a second part that comprises at least one register (Figure 1, the storage part or memory comprises registers). Vossler further teaches retaining the current time and the start time (Column 4 lines 3 – 11, Column 5 lines 48 – 67, Column 6 lines 1 – 18).

4. Claims 15 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Vossler (US 6,317,593) and in further view of Sheynblat et al. (US 6,408,196).

Regarding Claim 15, Oda teaches a method of keeping a device in operation after it has been stopped accidentally wherein, when the device is stopped by accident, an new start is automatically made (Figures 2, 3, Column 2 lines 37 – 54), the first part



is not supplied power (Column 3 lines 36 – 40), when the device is in operation, a main power source supplies power to both a first part and a second part of a processing section for the communication device (Figure 1, typical CPUs comprise a plurality of parts such as a core processor or part, an arithmetic logic unit, and a storage part thus Oda teaches a processing unit comprising a plurality of parts that can be supplied with power by the main power source).

Oda does not teach wherein an automatic programmable start time is regularly updated to come after a current time and wherein, when the device is stopped by accident, a new start is automatically made when a current time established by a clock coincides with the previously updated start time and wherein, when the device is stopped by accident, the second part is supplied power from an auxiliary source.

Vossler teaches wherein an automatic programmable start time is regularly updated to come after a current time (Figure 1, Column 4 lines 3 – 11, Column 5 lines 48 – 67, Column 6 lines 1 – 18) and a new start is automatically made when a current time established by a clock coincides with the previously updated start time (Figure 1, Column 4 lines 3 – 11, Column 5 lines 48 – 67, Column 6 lines 1 – 18).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone of Oda with the updating means of Vossler for the purpose of providing a convenient way to ensure that said phone is ready to send and receive calls, or perform other phone functions according to a particular user's needs as taught by Vossler.

Oda in view of Vossler does not teach wherein the second part is supplied power from an auxiliary power source when the device is stopped by accident.

Sheynblat teaches wherein at least a part of a processor is supplied power from an auxiliary power source (Column 4 lines 40 – 47, Column 5 lines 10 – 14, in order for the telephone circuitry to be activated the processor that controls the telephone functions will be supplied power from the auxiliary source such that an emergency call can be made).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the auxiliary power circuitry and method of Oda in view of Vossler with auxiliary power circuitry and method of Sheynblat for the purpose of providing reserve power thereby enabling a user to place an emergency 911 call as taught by Sheynblat.

Regarding Claim 16, Oda in view of Vossler and in further view of Sheynblat teaches all of the claimed limitations recited in Claim 15. Oda further teaches a second part containing at least one register (Figure 1, the storage part or memory comprises registers). Vossler further teaches retaining the current time and the start time (Column 4 lines 3 – 11, Column 5 lines 48 – 67, Column 6 lines 1 – 18).

5. Claims 17 – 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Vossler (US 6,317,593) and in further view of Sheynblat et al. (US 6,408,196), as applied to Claim 15 above, and further in view of Northcutt et al. (US 6,311,081).

Regarding Claim 17, Oda in view of Vossler and in further view of Sheynblat teaches all of the claimed limitations recited in Claim 15. Oda further teaches a first clocking device operatively connected to the first part and the second part, wherein the first clocking device is powered by the auxiliary power source (Figure 1, Column 3 lines 36 – 40, the processor comprises various parts such as a core processor part and a storage part all of which are coupled to the clocking device (6)).

Oda in view of Vossler and in further view of Sheynblat does not teach a second clocking device.

Northcutt teaches a second clocking device (Column 3 lines 36 – 45, Column 5 lines 45 – 47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify clock of Oda in view of Vossler and in further view of Sheynblat with the first and second clock configuration of Northcutt for the purpose of providing a low frequency clock signal during standby thereby enabling all clocked circuits of the phone to operate at a slower rate and thus consume less power as taught by Northcutt.

Regarding Claim 18, Oda in view of Vossler in further view of Sheynblat and in further view of Northcutt teaches all of the claimed limitations recited in Claim 17. Northcutt further teaches wherein the second clocking is a low frequency clocking device (Column 3 lines 36 – 45).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Vossler (US 6,317,593) as applied to Claim 1 above, and further in view of Metroka et al. (5,036,532).

Regarding Claim 4, Oda in view of Vossler teaches all of the claimed limitations recited in Claim 1. Oda in view of Vossler does not teach an auxiliary power source that comprises an electric capacitance.

Metroka teaches an auxiliary power source that comprises an electric capacitance (Column 3 lines 55 – 60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the capacitor taught by Metroka in the mobile phone of Oda in view of Vossler as an alternative means for enabling standby power when the main power source is interrupted.

7. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Vossler (US 6,317,593) in view of Sheynblat et al. (US 6,408,196) as applied to Claim 15 above, and further in view of Metroka et al. (5,036,532).

Regarding Claim 19, Oda in view of Vossler and in further view of Sheynblat teaches all of the claimed limitations recited in Claim 15. Oda in view of Vossler does not teach an auxiliary power source that comprises an electric capacitance.

Metroka teaches an auxiliary power source that comprises an electric capacitance (Column 3 lines 55 – 60).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the capacitor taught by Metroka in the mobile phone of Oda in view of Vossler and in further view of Sheynblat as an alternative means for enabling standby power when the main power source is interrupted.

8. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Vossler (US 6,317,593) in view of Sheynblat et al. (US 6,408,196) in view of Metroka et al. (5,036,532), as applied to Claim 19 above, and further in view of Yeh (5,995,814).

Regarding Claim 20, Oda in view of Vossler in view of Sheynblat and in further view of Metroka teaches all of the claimed limitations 19. Oda in view of Vossler in view of Sheynblat and in further view of Metroka does not teach a sum of filter capacitors.

Yeh teaches a sum of filter capacitors (Column 4 lines 40 – 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the filter capacitors taught by Yeh in the mobile phone of Oda in view of Vossler in view of Sheynblat and in further view of Metroka for the purpose of reducing power supply noise as taught by as taught by Yeh.

9. Claims 21 – 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oda (5,551,077) in view of Vossler (US 6,317,593) and in further view of Northcutt et al. (US 6,311,081)

**Please Note:** Examiner has made the assumption that applicant meant to write “first clock” instead of “second clock” in Claim 21 lines 12, since the first clock is the updating means.

Regarding Claim 21, Oda teaches a device comprising a main power source for supplying power (Column 3 lines 36 – 40); an auxiliary power source for supplying power to a first clock for providing said current time when said main power source is incapable of providing power (Column 3 lines 36 – 40).

Oda does not teach a memory for storing an augmented time which is greater than a current time and is updated periodically using a first clock; a controller powered by said auxiliary power source, said controller being configured to set a start time when said main power source is incapable of providing said power, wherein said auxiliary power source does not supply power to said first clock when said main power source is incapable of supplying said power.

Vossler teaches a memory for storing an augmented time which is greater than a current time and is updated periodically using a first clock (Column 4 lines 3 – 11, Column 5 lines 48 – 67, Column 6 lines 1 – 18); a controller powered by said auxiliary power source (Column 3 lines 60 – 66), said controller being configured to set a start time when said main power source is incapable of providing said power (Column 3 lines 60 – 66, the controller comprises the real time clock which sets the start time), wherein said auxiliary power source does not supply power to said first clock when said main power source is incapable of supplying said power (Column 3 lines 66 – 67, the power

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from both sources is lost thus the auxiliary power source will not supply when the main power source is incapable of supplying power).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the phone of Oda with the controller and auxiliary power circuitry of Vossler for the purpose of providing an alternative means for backup power and a convenient way to ensure that said phone is ready to send and receive calls, or perform other phone functions according to a particular user's needs as taught by Vossler.

Oda in view of Vossler does not teach a second clock.

Northcutt teaches a second clock (Column 3 lines 36 – 45, Column 5 lines 45 – 47).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify clock of Oda in view of Vossler with the first and second clock configuration of Northcutt for the purpose of providing a low frequency clock signal during standby thereby enabling all clocked circuits of the phone to operate at a slower rate and thus consume less power as taught by Northcutt.

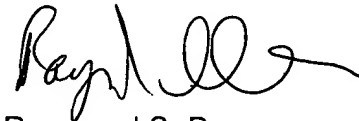
Regarding Claim 22, Oda in view of Vossler and in further view of Northcutt teaches all of the claimed limitations recited in Claim 21. Vossler further teaches wherein said controller is configured to set the start time when said current time provided by said clock equals said augmented time stored in memory (Column 4 lines 3 – 11, Column 5 lines 48 – 67, Column 6 lines 1 – 18).

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay A. Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raymond S. Dean  
December 15, 2005



**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**